

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

| | | |
|---------------------------------|---|---------------------------------------|
| NICOLE FORNI, |) | CASE NO. 1:14-cv-01070 |
| |) | |
| Plaintiff, |) | |
| |) | JUDGE DONALD NUGENT |
| v. |) | |
| |) | |
| JOSHUA RESNICK, <i>et al.</i> , |) | DEFENDANT SHUTTERSTOCK, INC.’S |
| |) | POSITION STATEMENT FOR CASE |
| Defendants. |) | MANAGEMENT CONFERENCE |
| |) | |

Defendant Shutterstock, Inc. (“Shutterstock”) – pursuant to Federal Civil Procedure Rule 26(f) and Local Rule 16.3(b)(3), and in compliance with this Court’s July 16, 2014 Order (ECF # 39) – submits the following statement of its position on the agenda items for the September 24, 2014 Case Management Conference:¹

1. **Case Track:** This case should be assigned to the Standard track.
2. **Alternate Dispute Resolution:** This case is not suitable for any Alternative Dispute Resolution mechanism at this time.
3. **Magistrate Judge Jurisdiction:** Shutterstock does not consent to the jurisdiction of the United States Magistrate Judge under 28 U.S.C. § 636(c).
4. **Initial Disclosures and Non-Expert and Expert Discovery:** Shutterstock’s Motion to Dismiss (ECF # 52) is fully briefed (*see id.*, ECF # 74, and ECF # 78). Shutterstock

¹ In light of Shutterstock’s pending Motion to Dismiss (ECF # 52), Shutterstock files this individual Position Statement without consenting to this Court being the proper venue and without waiving any defenses available to Shutterstock, all of which are hereby expressly reserved. Shutterstock’s counsel remains available to discuss with Plaintiff’s counsel the Case Management Conference agenda items, having not received any communication from Plaintiff’s counsel either to schedule counsels’ planning meeting or providing Shutterstock with a written demand (including a description and monetary breakdown of the alleged damages claimed) as required by ECF # 39.

proposes that, if any claims remain against it in this case after the Court rules on that Motion, then Initial Disclosures pursuant to Civil Rule 26(a)(1) and formal discovery in this action proceed beginning forty-five (45) days after entry of this Court's ruling on that Motion.

5. **Dates for amending pleadings, joining additional parties, serving expert reports, filing dispositive motions, and for next status conference:** Shutterstock proposes that, if any claims remain against it in this case after the Court rules on Shutterstock's Motion to Dismiss, then – thereafter – any pleading amendments or joinder of additional parties take place within sixty (60) days; any Plaintiff's expert reports be provided within eight (8) months, and any Defendant's expert reports be provided within ten (10) months; dispositive motions be filed within eleven (11) months; and, the next status conference be held within six (6) months.

Respectfully submitted,

/s/ Steven J. Miller

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CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2014, the foregoing document was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Steven J. Miller

STEVEN J. MILLER (0014293)